

Practitioner's Docket No. B1000

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. § 601, 7th ed.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Richard A. Bishel

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(f) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

Microcomputer-Controlled AC Power Switch Controller  
and DC Power Supply Method and Apparatus

CERTIFICATION UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 1/20/00 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EK438446805US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

EK438446805US

Richard A. Bishel  
(type or print name of person mailing paper)

Richard Bishel  
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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01/20/00  
jc714 U.S. PTO

jc530 U.S. PTO  
09/489876  
01/20/00

004469876-0120000

### 1. Type of Application

**This new application is for a(n)**

(check one applicable item below)

- ☒ Original (nonprovisional)  
☐ Design  
☐ Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

**WARNING:** Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- ☐ Divisional.
- ☐ Continuation.
- ☒ Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)**

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

- (i) An International application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
- (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

97 C.F.R. § 1.78(b)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

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**WARNING:** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

### 3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

29 Pages of specification

5 Pages of claims

17 Sheets of drawing

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identifying Indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page . . ." 37 C.F.R. § 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

☐ formal

☒ Informal

### B. Other Papers Enclosed

7 Pages of declaration and power of attorney

1 Pages of abstract

7 Other

### 4. Additional papers enclosed

☐ Amendment to claims

☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. § 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

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00489876-012000

- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other

#### 5. Declaration or oath (Including power of attorney)

**NOTE:** A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(3).

**NOTE:** A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).

☒ Enclosed  
Executed by

(check all applicable boxes)

- ☒ Inventor(s).
- ☐ legal representative of inventor(s).  
37 C.F.R. §§ 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
  - ☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.

**NOTE:** Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- ☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

- ☐ Showing that the filing is authorized.  
(not required unless called into question. 37 C.F.R. § 1.41(d))

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000210-9288460

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made.
- ☐ is submitted.
- ☐ will be submitted.

NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).

- ☒ English
- ☐ Non-English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

☐ An assignment of the invention to \_\_\_\_\_

- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☐ will follow

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

**WARNING:** A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

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**9. Certified Copy**

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ Is (are) attached.  
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**10. Fee Calculation (37 C.F.R. § 1.16)**A. ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$780.00
Total			
Claims (37 C.F.R. § 1.16(c))	6 - 20 = 14	x \$ 18.00	252
Independent Claims (37 C.F.R. § 1.16(b))	5 - 3 = 2	x \$ 78.00	156
Multiple dependent claim(s), If any (37 C.F.R. § 1.16(d))		+ \$260.00	0

- ☐ Amendment cancelling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation

\$ 846

B. ☐ Design application  
(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation

\$

C. ☐ Plant application  
(\$480.00—37 C.F.R. § 1.16(g))

Filing fee calculation

\$

0000210-9288160

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☐ Not Enclosed

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee

\$ 429

☐ Recording assignment

**(S40.00; 37 C.F.R. § 1.21(h))**

(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".)

§ \_\_\_\_\_

☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached

(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))

\$ \_\_\_\_\_

☐ For processing an application with a specification in a non-English language

(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))

§ \_\_\_\_\_

☐ Processing and retention fee

(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))

**\$** \_\_\_\_\_

☐ Fee for international-type search report

(\$40.00; 37 C.F.R. § 1.21(e))

**§** \_\_\_\_\_

NOTE: 37 C.F.R. § 1.21(f) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(f) must be paid, within 1 year from notification under § 53(f).

**Total fees enclosed**

\$ ~~348~~ 423

#### 14. Method of Payment of Fees

☒ Check in the amount of \$ ~~389~~ 423

☐ Charge Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

**A duplicate of this transmittal is attached.**

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

姓名	性别	年龄	民族	籍贯	职业	文化程度	政治面貌	婚姻状况	健康状况	其他
王德胜	男	45	汉族	山东烟台	教师	大学	中共党员	已婚	良好	
李小红	女	32	汉族	河南郑州	护士	中专	共青团员	已婚	良好	
张国强	男	28	汉族	江苏苏州	工程师	本科	中共党员	未婚	良好	
刘小芳	女	25	汉族	四川成都	会计	大专	共青团员	未婚	良好	
陈为民	男	50	汉族	广东广州	医生	大学	中共党员	已婚	良好	
赵子龙	男	38	汉族	湖南长沙	公务员	本科	中共党员	已婚	良好	
周大伟	男	42	汉族	浙江杭州	经理	本科	中共党员	已婚	良好	
吴小梅	女	35	汉族	安徽合肥	教师	大学	中共党员	已婚	良好	
孙建国	男	55	汉族	湖北武汉	工人	高中	中共党员	已婚	良好	
郑晓燕	女	29	汉族	福建厦门	设计师	本科	共青团员	未婚	良好	
马永强	男	48	汉族	广西桂林	农民	小学	中共党员	已婚	良好	
徐小华	女	33	汉族	江西九江	售货员	中专	共青团员	已婚	良好	
黄为民	男	40	汉族	山西太原	干部	本科	中共党员	已婚	良好	
周小丽	女	27	汉族	陕西西安	程序员	大专	共青团员	未婚	良好	
陈国强	男	52	汉族	四川成都	工人	高中	中共党员	已婚	良好	
赵子龙	男	36	汉族	湖南长沙	教师	大学	中共党员	已婚	良好	
周大伟	男	44	汉族	浙江杭州	经理	本科	中共党员	已婚	良好	
吴小梅	女	31	汉族	安徽合肥	教师	大学	中共党员	已婚	良好	
孙建国	男	54	汉族	湖北武汉	工人	高中	中共党员	已婚	良好	
郑晓燕	女	28	汉族	福建厦门	设计师	本科	共青团员	未婚	良好	
马永强	男	49	汉族	广西桂林	农民	小学	中共党员	已婚	良好	
徐小华	女	34	汉族	江西九江	售货员	中专	共青团员	已婚	良好	
黄为民	男	41	汉族	山西太原	干部	本科	中共党员	已婚	良好	
周小丽	女	26	汉族	陕西西安	程序员	大专	共青团员	未婚	良好	
陈国强	男	51	汉族	四川成都	工人	高中	中共党员	已婚	良好	
赵子龙	男	37	汉族	湖南长沙	教师	大学	中共党员	已婚	良好	
周大伟	男	43	汉族	浙江杭州	经理	本科	中共党员	已婚	良好	
吴小梅	女	30	汉族	安徽合肥	教师	大学	中共党员	已婚	良好	
孙建国	男	53	汉族	湖北武汉	工人	高中	中共党员	已婚	良好	
郑晓燕	女	29	汉族	福建厦门	设计师	本科	共青团员	未婚	良好	
马永强	男	47	汉族	广西桂林	农民	小学	中共党员	已婚	良好	
徐小华	女	32	汉族	江西九江	售货员	中专	共青团员	已婚	良好	
黄为民	男	39	汉族	山西太原	干部	本科	中共党员	已婚	良好	
周小丽	女	25	汉族	陕西西安	程序员	大专	共青团员	未婚	良好	
陈国强	男	50	汉族	四川成都	工人	高中	中共党员	已婚	良好	
赵子龙	男	35	汉族	湖南长沙	教师	大学	中共党员	已婚	良好	
周大伟	男	45	汉族	浙江杭州	经理	本科	中共党员	已婚	良好	
吴小梅	女	31	汉族	安徽合肥	教师	大学	中共党员	已婚	良好	
孙建国	男	54	汉族	湖北武汉	工人	高中	中共党员	已婚	良好	
郑晓燕	女	28	汉族	福建厦门	设计师	本科	共青团员	未婚	良好	
马永强	男	48	汉族	广西桂林	农民	小学	中共党员	已婚	良好	
徐小华	女	33	汉族	江西九江	售货员	中专	共青团员	已婚	良好	
黄为民	男	40	汉族	山西太原	干部	本科	中共党员	已婚	良好	
周小丽	女	27	汉族	陕西西安	程序员	大专	共青团员	未婚	良好	
陈国强	男	51	汉族	四川成都	工人	高中	中共党员	已婚	良好	
赵子龙	男	36	汉族	湖南长沙	教师	大学	中共党员	已婚	良好	
周大伟	男	44	汉族							



### 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.

- ☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.18(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
- ☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "... A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . ." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

(New Application Transmittal [4-1]—page 9 of 11)

[illegible]

**16. Instructions as to Overpayment**

NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ Credit Account No. \_\_\_\_\_  
☐ Refund

00489876-012000

Reg. No. 44,539

Tel. No. (503) 614-9482

Customer No.

Richard A. Bishe

SIGNATURE OF PRACTITIONER

Richard A. Bishe

(type or print name of attorney)

16020 NW Ridgetop Lane

P.O. Address

Beaverton, OR 97006

(New Application Transmittal [4-1]—page 10 of 11)

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

- ☐
- Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

- ☐ Plus added pages deleting names of Inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

- ☐
- Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

- ☐ This transmittal ends with this page.

(New Application Transmittal [4-1]—page 11 of 11)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99																																																																																																																																																												
0	00000000	00000001	00000010	00000011	00000100	00000101	00000110	00000111	00001000	00001001	00001010	00001011	00001100	00001101	00001110	00001111	00010000	00010001	00010010	00010011	00010100	00010101	00010110	00010111	00011000	00011001	00011010	00011011	00011100	00011101	00011110	00011111	00100000	00100001	00100010	00100011	00100100	00100101	00100110	00100111	00101000	00101001	00101010	00101011	00101100	00101101	00101110	00101111	00110000	00110001	00110010	00110011	00110100	00110101	00110110	00110111	00111000	00111001	00111010	00111011	00111100	00111101	00111110	00111111	01000000	01000001	01000010	01000011	01000100	01000101	01000110	01000111	01001000	01001001	01001010	01001011	01001100	01001101	01001110	01001111	01010000	01010001	01010010	01010011	01010100	01010101	01010110	01010111	01011000	01011001	01011010	01011011	01011100	01011101	01011110	01011111	01100000	01100001	01100010	01100011	01100100	01100101	01100110	01100111	01101000	01101001	01101010	01101011	01101100	01101101	01101110	01101111	01110000	01110001	01110010	01110011	01110100	01110101	01110110	01110111	01111000	01111001	01111010	01111011	01111100	01111101	01111110	01111111	10000000	10000001	10000010	10000011	10000100	10000101	10000110	10000111	10001000	10001001	10001010	10001011	10001100	10001101	10001110	10001111	10010000	10010001	10010010	10010011	10010100	10010101	10010110	10010111	10011000	10011001	10011010	10011011	10011100	10011101	10011110	10011111	10100000	10100001	10100010	10100011	10100100	10100101	10100110	10100111	10101000	10101001	10101010	10101011	10101100	10101101	10101110	10101111	10110000	10110001	10110010	10110011	10110100	10110101	10110110	10110111	10111000	10111001	10111010	10111011	10111100	10111101	10111110	10111111	11000000	11000001	11000010	11000011	11000100	11000101	11000110	11000111	11001000	11001001	11001010	11001011	11001100	11001101	11001110	11001111	11010000	11010001	11010010	11010011	11010100	11010101	11010110	11010111	11011000	11011001	11011010	11011011	11011100	11011101	11011110	11011111	11100000	11100001	11100010	11100011	11100100	11100101	11100110	11100111	11101000	11101001	11101010	11101011	11101100	11101101	11101110	11101111	11110000	11110001	11110010	11110011	11110100	11110101	11110110	11110111	11111000	11111001	11111010	11111011	11111100	11111101	11111110	11111111

Practitioner's Docket No. B1000

PATENT

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: See 37 C.F.R. § 1.78.

## 17. Relate Back

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

- ☐ Amend the specification by inserting, before the first line, the following sentence:

## A. 35 U.S.C. § 119(e)

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(e)(4).

- ☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

_____ / _____	_____ "
_____ / _____	_____ "
_____ / _____	_____ "

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
(4-1.1)—page 1 of 5)

000210-9289460

**B. 35 U.S.C. §§ 120, 121 and 365(c)**

**NOTE:** "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a), 37 C.F.R. § 1.78(a)(2)).

- ☒ This application is a
- ☐ continuation
- ☒ continuation-in-part
- ☐ divisional

of copending application(s)

- ☒ application number 09/ 251, 233 filed on 1/16/99 \*  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_

and which designated the U.S."

NOTE: The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S.

NOTE: (1) Where the application being transmitted adds subject matter to the International Application, then the filing can be as a continuation-in-part or (2) if it is desired to do so for other reasons then the filing can be as a continuation.

**NOTE:** The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:

*"The Patent and Trademark Office considers the international application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (i) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."*

- ☐ "The nonprovisional application designated above, namely application \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_, claims the benefit of U.S. Provisional Application(s) No(s).: \_\_\_\_\_"

**APPLICATION NO(S).:**

FILING DATE

\_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_

- ☐ Where more than one reference is made above, please combine all references into one sentence.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
[4-1.1]—page 2 of 5)

\* Which is based on Application  
S. N. 08/358,338, now issued as U.S. Patent  
5,872,832.

**18. Relate Back—35 U.S.C. § 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appin. no.	Filed on
The certified copy(ies) has (have)		
<input type="checkbox"/> been filed on _____, in prior application 0 / _____, which was filed on _____		
<input type="checkbox"/> is (are) attached.		

**WARNING:** The certified copy of the priority application that may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore, such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of International applications that have not entered the national stage may not be relied on. Notice of April 28, 1997 (1079 O.G. 32 to 46).

**19. Maintenance of Dependency of Prior Application**

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

**A. ☒ Extension of time in prior application**

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

☒ A petition, fee and response extends the term in the pending prior application until 1/20/00

☒ A copy of the petition filed in prior application is attached.

**B. ☐ Conditional Petition for Extension of Time in Prior Application**

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending prior application.

☐ A copy of the conditional petition filed in the prior application is attached.

(complete applicable item (a), (b) and/or (c) below)

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☐ the same.
- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are
- ☐ the same.
- ☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be added)

- (c) The inventorship for all the claims in this application are
- ☐ the same.
  - ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
    - ☐ is submitted.
    - ☐ will be submitted.

☒ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

**NOTE:** According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

**WARNING:** "The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all the claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." M.P.E.P., § 706.07(b), 7th ed.

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(check the next item, if applicable)

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

☐ Applicant has established small entity status by the filing of a statement in parent application / \_\_\_\_\_ on \_\_\_\_\_ .

☐ A copy of the statement previously filed is included.

**WARNING: See 37 C.F.R. § 1.28(a).**

**WARNING:** "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 7th ed. (emphasis added).

☐ A notification of the filing of this  
(check one of the following)

- ☐ continuation  
☐ continuation-in-part  
☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
(4-1.1)—page 5 of 5)



Practitioner's Docket No. P9020

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 0 9/251,233 Group No.: 2743

Filed: February 16, 1997 Examiner: Woo, S

For: Telephone - Controlled Electrical Switch

Assistant Commissioner for Patents

Washington, D.C. 20231

jc530 U.S. PTO  
09/489876  
01/20/00

AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME  
TO MAINTAIN PARENT CASE THAT IS TO BE ABANDONED  
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT

NOTE: Where an extension of time is sought solely for the purpose of filing a continuation application under 35 U.S.C. § 120, and where the prior application is to be abandoned in favor of the continuing application, the filing of a response as required by 37 C.F.R. §§ 1.111 or 1.113 is considered to be an unnecessary expenditure of resources by the applicant and, in these situations, the PTO will accept the filing of a continuing application as a response under 37 C.F.R. § 1.136. Notice of May 13, 1983 (1031 O.G. 11).

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of Nov. 5, 1983 (1060 O.G. 27).

1. The amendment in this case is a bona fide attempt by applicant to respond and to advance this application to final action. It comprises a separately filed:

(check (a), (b), or (c), as applicable)

- (a) ☐ Continuation application  
(b) ☒ Continuation-in-part application  
(c) ☐ Divisional application (where parent case is to be abandoned)

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

CERTIFICATION UNDER 37 C.F.R. § 1.10\*  
(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date 1/20/00 in an envelope as "Express Mail Post: Office to Addressee," Mailing Label Number \_\_\_\_\_, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Richard A. Bishel

(type or print name of person mailing paper)

Richard A. Bishel

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case That is to be Abandoned When Filing Applicant Claiming Its Benefit (4-8)—page 1 of 3)

2. This is a petition under 37 C.F.R. § 1.136(a) for an extension of time to respond to  
(check and complete (d) or (e), as applicable)

(d) ☒ the Office Action mailed 7/20/99  
(e) ☐ other \_\_\_\_\_

3. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with this application. (Notice of May 13, 1983, 1031 O.G. 11-12).

4. Applicant is

☒ a small entity.

The statement:

☐ is enclosed.

☒ is already filed in the parent application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.

☐ other than a small entity.

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136(a) (fee: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ 435

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 435

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case That is to be Abandoned When Filing Applicant Claiming Its Benefit [4-5]—page 2 of 3)

## 6. Fee Payment

☒ Attached is a check in the sum of \$ 435.

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## 7. Fee Deficiency

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1988 (1065 O.G. 31-33).

☐ If any additional extension and/or fee is required, charge Account

No. \_\_\_\_\_

Reg. No.: 44,539

Tel. No. 503 614-9482

Customer No.:

Richard A. Bishe

SIGNATURE OF PRACTITIONER

Richard A. Bishe

(Type or print name of practitioner)

16020 NW Ridgetop Lane

P.O. Address

Beaverton, OR 97006